

therefore respectfully requested that the rejections under § 103, all of which rely primarily on Patent No. 6,167,111, be reconsidered and withdrawn.

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Applicants also observe that, even if the Siochi reference were available as prior art under § 103 (a), the system of Siochi could not properly be modified based on the teachings of Leavitt to arrive at the invention recited in claim 1. Siochi discloses a radiation treatment device with dynamic collimator 19 inside the head of the treatment device. Leavitt discloses a dynamic collimator that is removably attachable to the exterior of a head of a radiation treatment device. Assuming for the sake of argument that the two references are properly combinable, the teachings of Leavitt would guide a person of ordinary skill in the art to modify Siochi so as to have the collimator 19 thereof removably attached to the exterior of the head of the radiation treatment device. There is nothing in the teachings of the references that would cause a person of ordinary skill to arrive at the radiation therapy device of claim 1 which has two controllable collimators, including a first controllable collimator contained within the treatment head, and a second controllable collimator removably positioned between the first collimator and a treatment area.

The other independent claims rejected under § 103, which are claims 14, 19 and 21-23, all recite two collimators and therefore are patentable even if the Siochi reference were available for combination with the Leavitt reference.

Claim 20, which is rejected as anticipated by the Leavitt reference, is directed to “[a]n electron collimator for use in collimating an electron beam in a radiation therapy device”. The electron collimator of claim 20 is recited to include “drive electronics, removably mounted on an exterior of an accessory tray of said radiation therapy device” and “a plurality of leaves positionable by said drive electronics to move across a path of said electron beam”. The plurality of leaves are “removably mounted on said accessory tray of said radiation therapy device”.

Applicants wish to particularly point out that the drive electronics of the electron collimator recited in claim 20 are specifically described as “removably mounted on an exterior of an accessory tray” of the radiation therapy device. This specific feature is not disclosed or suggested by the Leavitt reference, and is advantageous, because greater durability of the drive

electronics is provided by mounting the drive electronics away from the beam path of the therapy device, as explained at page 12, lines 19-24 of the present application.

By contrast, Leavitt does not explicitly show an accessory tray, although the collimator 5 has a portion that is insertable into an accessory tray groove (see column 6, lines 14-16). But even if one were to consider the collimator 5 or some portion thereof to be an accessory tray, the specific elements of claim 20 are not satisfied by the collimator 5, since the drive electronics 61 (column 8, lines 31-32) are clearly indicated by Figs. 2 and 3 of Leavitt to be mounted inside the housing of the collimator 5. Thus Leavitt fails to teach or suggest drive electronics of a collimator removably mounted on an exterior of an accessory tray of a radiation therapy device, as recited in claim 20.

It is therefore respectfully requested that the rejection of claim 20 be reconsidered and withdrawn.

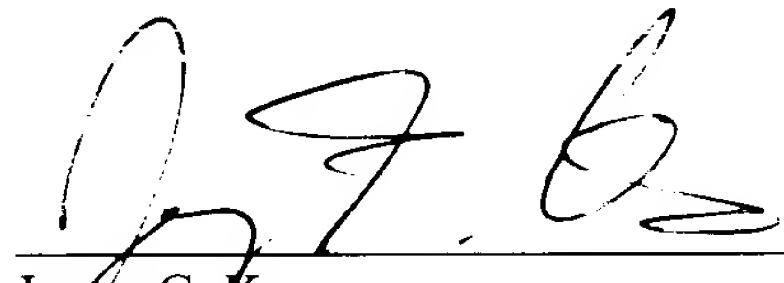
CONCLUSION

For at least the foregoing reasons above, it is submitted that all of the claims are in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned.

Respectfully submitted,

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Date



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CLAIMS INDICATING CHANGES RELATIVE TO PREVIOUS VERSIONS

7. [Amended] The radiation therapy device of claim [2] 6, wherein said first collimator is controllable to selectively collimate a photon beam generated by said photon radiation source.

8. [Amended] The radiation therapy device of claim [2] 6, wherein said second collimator is controllable to selectively collimate an electron beam generated by said electron radiation source.